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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/841,007

Filing Date: April 25, 2001

Appellant(s): LEE, JAE KYUNG

Mr. Daniel Y.J. Kim  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 03 May 2007 appealing from the Office action mailed

11 July 2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct. The amendment after final rejection canceling claims 21 and 22 filed on 07 February 2007 has been entered.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

### **WITHDRAWN REJECTIONS**

The grounds of rejection for claims 21 and 22 are not presented for review on appeal because they have been withdrawn in light of the amendment canceling those claims. The rejection of claims 21 and 22 under 35 U.S.C. 112 1<sup>st</sup> paragraph has been withdrawn from the Final Rejection, mailed 11 July 2006.

### **(7) Claims Appendix**

The copy of the appealed claims contained in Appendix A to the brief is correct.

### **(8) Evidence Relied Upon**

6,002,394	SCHEIN et al.	12-1999
6,473,778	GIBBON	10-2002
6,098,082	GIBBON et al.	8-2000
6,901,367	BERSTIS et al.	5-2005
5,918,013	MIGHDOLL et al.	6-1999

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1, 2, 4, 11-14, 18, 23 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (US Pat No. 6,002,394), in view of Gibbon (US Pat No. 6,473,778), and in further view of Berstis et al. (US Pat No. 6,901,367).

In consideration of claim 1, the Schein et al. reference discloses an internet enabled “television” (Figure 2) which comprises a “control unit” or associated processor, a “storing unit” or associated memory that is operable to store Internet address information (Col 8, Lines 2-7), and a “video processing unit” as necessary to generate and render the various on-screen displays related to television programming and information retrieved via the Internet related to programming (Col 4, Line 66 – Col 5, Line 15; Col 6, Lines 13-65; Col 8, Line 3-13; Col 13, Lines 58 – Col 14, Line 10; Col 18, Lines 7-67; Col 20, Lines 18-28). While Schein et al. further discloses the ability for a user to order a transcript of a video program, which as commonly understood in the art corresponds to “closed caption character information” (Col 24, Lines 14-16), the reference is silent with respect to the particular creation and delivery method of the transcript.

In an analogous art pertaining to video distribution systems and in particular those associated with character information, the Gibbon reference discloses a system and method whereby an end-user device “receives closed caption character information in a first language” in the form of a hypermedia document which is further “displayed . . . on a screen substantially in sync with corresponding audio information” (Figures 2, 6, and 7; Col 3, Lines 1-17 and 46-57; Col 11, Line 17 – Col 12, Line 34). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Schein et al. so as to employ the transcript generation and delivery techniques of Gibbon for the purpose of providing a means by which to produce and deliver high quality video enhanced transcripts in an automated fashion (Gibbon: Col 1, Lines 18-34; Col 15, Lines 12-21).

Taken in combination, the references provide a means by which the Schein et al. system is operable to order a transcript of a program whereupon the “control unit” is “configured to receive closed caption character information in a first language” and to subsequently display the received “closed caption character information on a screen substantially in sync with corresponding audio information”. The combined references, however, are silent with respect to the particular usage of the Schein et al. “network interface” [72] to receive a translated version of the closed caption character information associated with the received hypermedia or web-page transcript should the user subsequently be unable to read the retrieved page.

In an analogous art pertaining to enhanced communication by providing language translation of received messages, the Berstis et al. reference discloses a device with a “language selection function” associated with a received communication including but not limited to web-pages (Col 4, Lines 24-35). In particular, as outlined in Figure 3, a “control unit” [12] is “configured to receive . . . information in a first language” whereupon “if it is determined that the first language does not correspond to a selected language” [309], the “control unit” [12] is configured to “send the . . . character information to a translation site through a network interface” [311] “based on contact information associated with a plurality of translation sites stored in a storing unit” or memory as necessary to automatically contact the appropriate translation site (ex. contact information for Altavista™ is contact information associated with a translation site for French, a translation site for Spanish, etc.) and to “receive the translated . . . character information from the translation site” [316] and to “display the translated . . . character information on a screen” [317] (Col 7, Line 38 – Col 8,

Line 3). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined references so as to further translate incoming “closed caption character information” associated with the received hypermedia with synchronized audio of Gibbon, as taught by Berstis et al., for the purpose of providing a means to advantageously remove language barriers to viewers and to provide for the automatic translation of communications for received communications (Berstis et al.: Col 1, Lines 16-27; Col 2, Lines 21-37).

Therefore, taken in combination, the combined references provide an internet enabled television such as a PC-TV with a language selection function that is operable to order an enhanced hypermedia or web-page based transcript of a video program comprising both synchronous closed captioning and audio. Should the particular received transcript not correspond to a desired or previously selected user language, the system automatically sends the communication or web-page to a remote site for translation of the textual information or closed captioning whereupon the closed captioning transcript is retrieved and presented to the user for subsequent operation.

Claim 12 is rejected in light of the aforementioned combination of references. The Schein et al. reference discloses a “network interface” [72] that is “configured to contact a translation site” such as AltaVista™ in light of the combined teachings. As shown by Berstis et al., the “storing unit” or memory is “configured to store contact information for at least one translation site which corresponds to a plurality of languages and an operation program related to translation” (Berstis et al.: Col 1, Lines 61-63). The particular “storing unit” is necessary to be “configured to store contact information for at least one translation site” or

the system would not be able to automatically contact the associated remote translation site. The “TV” further comprises a “control unit” or processor that is “configured to contact a translation site corresponding to a selected language based on the contact information stored in the storing unit, to transmit closed character information to be translated” associated with the received transcript as taught by Gibbon “in accordance with the operation program stored in the storing unit and to receive translated closed caption character information from the translation site” (Berstis et al.: Col 7, Line 38 – Col 8, Line 3). Finally a, “video processing unit” associated with the internet enabled television of Schein et al. is subsequently “configured to display the translated closed caption character information on a screen substantially in synch with corresponding audio information” in connection with the user playing back the audio associated with the received hypermedia transcript (Gibbon: Col 12, Lines 7-34).

Claim 18 is rejected in light of the combined teachings as previously set forth which disclose “a control method for a TV having a language selection function”. In particular, the Schein et al. reference is operable to “receive closed caption character information in a first language” corresponding to received hypermedia or web-page transcripts per Gibbons. Subsequently, “if it is determined that the first language associated with the closed caption character information does not correspond to a selected language” understandable by the operator, the system “selects the appropriate translation site based on the selected language and contacts the appropriate translation site based on previously stored contact information related to a plurality of translation sites” such as AltaVista™ (Berstis et al.: Figure 3). The method subsequently, “requests translation of the closed caption character information from

the first language to the selected language by transmitting the closed caption character information to the appropriate translation site" [311] and "receives closed caption character information which has been translated into the selected language from the translation site" [316] (Berstis et al.: Col 7, Line 38 – Col 8, Line 3). The "translated closed caption character information [is displayed] on a screen" associated with the Schein et al. display "substantially in synch with corresponding audio information" upon being sent back to the user via the translation server (Berstis et al.: Col 7, Line 38 – Col 8, Line 3).

In consideration of claim 23, the combined references discloses a "control method for a TV having a language selection function". As aforementioned, the Schein et al. reference discloses an Internet enabled television such as a PC-TV that is operable to access information retrieved over the internet and to further order program transcripts. The reference, however, is silent with respect to details regarding ordered transcript. The Gibbon reference discloses methods for providing hypermedia or enhanced transcripts which can be presented substantially in synch with corresponding audio information. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Schein et al. so as to employ the transcript generation and delivery techniques of Gibbon for the purpose of providing a means by which to produce a high quality video enhanced transcripts requiring in an automated fashion (Gibbon: Col 1, Lines 18-34; Col 15, Lines 12-21). The combined references, however, are silent with respect to the particular translation of the received enhanced transcript or closed caption information.

The Berstis et al. reference discloses a method for the selection of languages associated with a received communication including but not limited to web-pages (Col 4, Lines 24-35).

In particular, as outlined in Figure 3 (Col 7, Line 38 – Col 8, Line 3), the system “determines if a language of . . . character information included in a signal corresponds to a selected language” [309], “requests translation of the . . . character information by contacting an internet translation site corresponding to the selected language by selecting an appropriate translation site from a plurality of translation sites” [311] (Col 1, Line 47 – Col 2, Line 20), “transmits . . . character information to the selected translation site if the language of the . . . character information included in the signal is different from the selected language” [309/311], “receives the translated . . . character information from the translation site” [316] and “displays the translated character information on a screen” [317]. It would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined references so as to further translate incoming communications or supplemental data as taught by Berstis et al., for the purpose of providing a means to advantageously remove language barriers to viewers and to provide for the automatic translation of communications for received communications (Berstis et al.: Col 1, Lines 16-27; Col 2, Lines 21-37). Accordingly, taken in combination, the references provide a “control method for a TV having a language selection function” as claimed.

Claims 2 and 13 are rejected wherein the system further comprises an “audio processing unit” which is “configured to process audio information synchronized with the translated character information displayed on the screen” (Gibbon: Col 12, Lines 7-34).

In consideration of claim 4, Schein et al. teaches that “contact information” for web-pages is stored as a “URL (Uniform Resource Locator)” (Schein et al.: Col 18, Lines 20-43). Berstis discloses the particular usage of the AltaVista™ Translation web-page for facilitating

remote translations. Accordingly, taken in combination, the “contact information comprises a URL (Uniform Resource Locator)”.

Claims 11 and 14 are rejected in light of the combined references wherein the “control unit” or processor of Schein et al. is “configured to generate an OSD (On Screen Display) based on the translated character information” (such as that illustrated in Figures 2 or 7 of Gibbons) and to “provide the translated character information to the video processing unit in order to display the OSD on the screen” dependent upon the particular format required by the display device (Schein et al.: Col 8, Lines 7-13).

Claim 31 is rejected wherein the “signal comprises a broadcast signal” from which the closed captioning was derived (Gibbons: Col 6, Lines 24-29; Col 11, Lines 25-29).

Claims 32 and 33 are rejected wherein the “translation site is selected from a plurality of previously stored translation sites” such as those provided by AltaVista™ (Berstis et al.: Figure 3). As aforementioned, the claims do not require that the “plurality of translation sites” are necessarily distinctive entities as opposed to a single entity which serves as a “plurality of translation sites” for a plurality of languages (ex. contact information for AltaVista™ serves as contact information related to a translation site for French and a translation site for Japanese and is therefore logically related to a plurality of translation sites).

2. Claims 5-10, 15-17, 19, and are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (US Pat No. 6,002,394), in view of Gibbon (US Pat No. 6,473,778), in view of Berstis et al. (US Pat No. 6,901,367) and in further view of Mighdoll et al. (US Pat No. 5,918,013).

In consideration of claims 5 and 15, the combined references are silent as to the particular usage of a “transaction relay server”. In an analogous art pertaining to the distribution of information to a network television, Mighdoll et al. discloses the usage of a “translation relay site server” [5] for facilitating access to and retrieving information from remote servers. In particular, the subscriber terminal “contacts a translation relay site server” [5] “by using a URL associated” with the remote server [4] and subsequently “receives . . . character information from the translation relay site server” (Mighdoll et al.: Figures 4A, 6, and 9). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to particular employ a “translation relay server” such as the of Mighdoll et al. for the purpose of employing a proxy server in order advantageously improve the quality of web-pages received from the internet which are subsequently displayed on television devices (Mighdoll et al.: Col 1, Line 44 – Col 2, Line 6).

Claim 6 is rejected wherein the “control unit” or processor of Schein et al. is “configured to contact the translation relay site server through a network interface unit” [72] associated with a modem.

Claims 7 and 16 are rejected in view of the aforementioned combination of references wherein the “translation relay server” [5] of Mighdoll et al. is “configured to receive closed caption character information and language information from the control unit, to translate the transmitted closed caption character information into a language corresponding to the language information” should a cached version of the requested translation exist in memory and “to transmit the translated closed caption information to the control unit” for subsequent display on the receiver (Mighdoll et al: Figures 4A and 6).

Claim 8 is rejected wherein the “language corresponding to the language information is a language selected by a user” (Berstis et al.: Figure 2; Col 6, Lines 33-52).

Claim 9 is rejected in light of the combined references wherein the “translation relay site server” [5] is “configured to receive translated closed caption character information from the translation site in accordance with the selected language and to transmit the translated closed caption character information to the control unit” for subsequent display (Mighdoll et al: Figures 4A and 6).

Claim 10 is rejected in light of the aforementioned combined references wherein the “translation site” such as AltaVista™ is “configured to receive the closed caption character information to be translated” from the proxy server of Mighdoll et al. or “translation relay site server” [5], “to translate the closed caption character information into the selected language and to provide the translated closed caption character information to the translation relay site server” for transcoding and eventual display on the client terminal.

Claim 17 is rejected wherein the “translation relay site server” [5] is “configured to receive translated closed caption character information from the translation site and to transmit the translated closed caption character information to the control unit” (Mighdoll et al: Figures 4A and 6).

Claim 19 is rejected in light of the aforementioned combination of references as previously set forth. In particular, as previously set forth, the Berstis et al. reference discloses “receiving closed caption character information in a first language and contacting an appropriate translation site” [311] “through a network interface if it is determined that the first language associated with the closed caption character information does not correspond

to a selected language”, “scanning a signal which includes language information associated with the closed caption character information” (Col 8, Lines 57-65), and “transmitting the closed caption character information included in the signal to a . . . server if the first language of the closed caption character information included in the signal is different from the selected language” (Berstis et al.: Figure 3). Figure 4A of the Mighdoll et al. reference illustrates the particular usage of a “translation relay site server” [5] interconnected to remote servers wherein communications derived from the client are redirected via the “translation relay site server” [5]. Therefore, taken in combination when using a network distribution architecture which utilizes a proxy server, the method comprises “transmitting the closed caption character information included in the signal to a translation relay site server . . . and transmitting the closed caption character information from the translation relay site server to the appropriate translation site” (ex. AltaVista<sup>TM</sup>). The method finally “transmits the translated closed caption character information from the translation site to the translation relay site server” for subsequent delivery to and display by the client.

#### **(10) Response to Argument**

The examiner respectfully disagrees that the rejection should be reversed. Only those actual arguments by raised by appellant's are being treated in the Examiner's Answer.<sup>1</sup> Any further arguments regarding other elements or limitations not specifically argued that the appellant could have made are considered by the examiner as having been conceded by the appellant for the basis of the decision of this appeal. Accordingly, they are not being

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<sup>1</sup> Per 37 CFR 41.37(c)(1)(vii) – a statement which merely points out what a claim recites will not be considered an

addressed by the examiner for further consideration by the panel. Should the panel find that the examiner's position/arguments or any aspect of the rejection is not sufficiently clear or a particular issue is of need of further explanation, it is respectfully requested that the case be remanded to the examiner for further explanation prior to the rendering of a decision.<sup>2</sup>

**Rejection Under 35 U.S.C. 103(a) over Schein, Gibbon, and Berstis**

**A. Independent Claim 1**

Regarding claim 1, Appellants assert that the combination of references is generally a piecemeal reconstruction of features that relies on the use of impermissible hindsight such that one having ordinary skill in the art would not have been motivated to combine the references to arrive at appellant's claimed invention. The examiner respectfully disagrees since:

- 1) One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.<sup>3</sup>
- 2) Obviousness has been established by combining or modifying the teachings of the prior art to produce the claimed invention based upon teachings, suggestions, or motivations found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.<sup>4</sup>

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argument for patentability of the claim.

<sup>2</sup> See 37 CFR 41.50(a)(1) and MPEP 1211.

<sup>3</sup> See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

<sup>4</sup> See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

3) The judgment on obviousness takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure.<sup>5</sup>

The rejection of record initially relies upon Schein to teach a system and method for enabling broadcasters to provide subscribers with links to related online content (Col 1, Line 67 – Col 2, Line 17). The Schein et al. reference discloses and is relied upon to teach a network television device or 'TV' architecture comprising a 'control unit', a 'storage unit', and a 'video processing unit' that is capable of accessing/retrieving information from the Internet as well as order related information such as transcripts. In general, Schein teaches a PC-TV that allows a subscriber to watch television as well as to request, receive, and interact with supplemental content derived from the Internet (Col 18, Lines 7-43). The supplemental content comprises contextually linked information retrieved via the on-line service (Col 14, Lines 53-55) including a transcript of a program (Col 24, Lines 14-16). Schein is therefore relied upon to disclose the architecture of a computer based television that a subscriber can use to access transcripts (closed caption information) from an on-line provider through a network connection such as that associated with the Internet.

Regarding applicant's arguments regarding the nature of the transcript, the examiner is unable to find any disclosure within Schein et al. to support the appellant's conclusion that the Schein transcript is decisively a "hard copy transcription" that is "not displayed on the screen, let alone in synch with corresponding audio information". Rather, the brief reference to the 'transcript' (Col 24, Lines 14-16) is altogether silent with respect to the nature of the

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<sup>5</sup> See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

transcript (ex. hard copy, being displayed in synch with audio, etc.). Accordingly, the examiner submits that the cited passage simply does not provide any teachings that would dissuade one from utilizing any particular type of 'transcript' as the contextually linked content.

The rejection consequently relies upon Gibbon to teach the particular creation and delivery of an Internet based or online transcript wherein the transcript enables the particular display of a transcript 'in synch with audio'. As illustrated in Figure 7, the video, transcript, and audio are all synchronized (or temporally aligned) such that video and audio are synchronized/aligned to their corresponding portions of the transcript (Col 2, Lines 48-53).

The reference teaches that the automated creation of online transcripts improves the quality of the transcript and reduces the cost associated with the manual labor traditionally involved in the online transcript creation process (Col 1, Lines 18-34; Col 15, Lines 12-21). As previously noted, the Schein et al. reference is silent as to the nature of the transcript.

Accordingly, the examiner concluded that one would have been sufficiently motivated to utilize the particular transcript generation techniques of Gibbons in conjunction with the Schein et al. so as to improve the quality and speed of transcript delivery. Furthermore, assuming arguendo that Schein et al. actually taught the particular delivery of hard copy transcripts, a modification to utilize the Gibbon video based transcripts would further be advantageous over the format of transcripts described by applicants given that the usage of video in a transcript vis-à-vis a traditional hard copy further advantageously conveys substantial information regarding the content of the program to the viewer over and above that provided by traditional transcripts (Gibbon et al. (US Pat No. 6,098,082): Col 1, Lines

17-25 and 55-65 – Explicitly incorporated by reference into Gibbon: Col 1, Lines 24-34).

Therefore, the particular usage of web-page based transcripts and desirability to do so is knowledge that was within the level of ordinary skill at the time the claimed invention was made, and did not include knowledge gleaned only from the applicant's disclosure, as evidenced by Gibbon.

The examiner concurs with appellant that the Gibbon reference is silent with respect to the particular usage of 'translated closed captioned text' per se. Gibbon, however, is also silent with respect to any teachings that would dissuade one from a modification to utilize and display 'translated closed captioned text'. A transcript is of little value if the user can't read/comprehend it. The Berstis' reference was subsequently relied upon to teach the desirability of allowing a recipient of information derived from the Internet to automatically translate incoming communications. Appellants initially argue that Berstis' is limited to email correspondence that is not time sensitive and therefore is not 'closed caption character information that is displayed substantially in synch with corresponding audio information'. The examiner, however, respectfully disagrees that the reference is only limited to email. The reference explicitly states that the invention is directed towards the translation of incoming communications besides email including internet/web pages and other types of communications that those skilled in the art would recognize (Col 4, Lines 24-35). As aforementioned, Gibbon provides evidence that those skilled in the art would recognize a transcripts/closed caption information as an incoming communication in the form of a web-pages. Therefore, it is the examiner's opinion that one skilled in the art at the time the invention was made would have recognized that the particular teachings of Berstis et al.

would be applicable web-pages including those comprising synchronously displayed closed caption character information and corresponding audio information as taught by Gibbon without having relied upon applicant's disclosure.

With respect to appellant's arguments that the Berstis translation capability is limited to either the languages included in the apparatus or a single website such that the reference fails to teach a 'control unit' and a "storing unit which stores contact information for a plurality of translation sites", and a "video processing unit" as recited in claim 1, the examiner respectfully disagrees. Figure 1 of Berstis illustrates a "processing unit" [12] as well as a "storing unit" or memory and a "video processing unit" associated with generating the particular display of the resulting translation. The rejection further sets forth that the Berstis reference necessarily 'stores contact information' as claimed in order to automatically access the Internet based translation functionality without further user intervention. During prosecution, appellants have not provided any of the required evidence/arguments to refute the examiner's reasoning as to the storage of 'contact information' being necessarily present.<sup>6</sup> As noted in the Final Rejection, the instant application further provides no special definition of what is meant by a 'plurality of translation sites'. The recitation of 'plurality of translation sites' as claimed was construed as being equivalently interpreted as either a single site which provides translation for a plurality of languages or a plurality of sites each of which individually provide translation for a particular language or languages. The Berstis et al. reference teaches the existence of a plurality of translation sites in which one of the more common is AltaVista™ which serves as a translation site for a plurality of languages (Col 1,

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<sup>6</sup> See MPEP 2112 – Section V

Lines 61-67). This particular site has been selected from a 'plurality of translation sites' existing in the art for particular use in the exemplary embodiment (possibly because it is free as noted in by Berstis) or in the alternative AltaVista™ is considered to be a gateway translation site for a plurality of 'translation sites' associated with the particular translation between each of the plurality of languages supported (ex. AltaVista™ is a site for translating Japanese, a site for translating French, etc.).<sup>7</sup>

As to there being no motivation to combine the teachings, the Berstis et al. explicitly states that is desirable to translate all incoming communication that is in a different or non-desired language without further user (Col 2, Lines 30-37). Schein et al. is a PC-TV that is capable of supporting incoming messages (Figures 19A-C) and access to other incoming on-line information derived from the Internet and transcripts. Gibbon, as aforementioned, discloses and teaches the desirability to generate and deliver web-page transcripts. Berstis et al. discloses and teaches the desirability to translate incoming Internet communications into a desired language. Accordingly, it is the examiners position that one having ordinary skill in the art would have been sufficiently motivated to use contextually linked transcripts received as web-page based transcripts and to subsequently automatically translate those received web-page transcripts should they not be in preferred language in light of the teachings of the references.

In conclusion, the examiner respectfully disagrees with appellant's assertion that the combination of references is generally a piecemeal reconstruction of features that relies on the use of impermissible hindsight such that one having ordinary skill in the art would not

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<sup>7</sup> For example, accessing the main site AltaVista™ re-directs the processing of a user request to the particular 'site'

have been motivated to combine the references to arrive at appellant's claimed invention.

Rather, it is submitted that the combination of references set forth a logical progression of teachings that one of ordinary skill in the art would have been motivated to follow/combine in order to arrive at the claimed invention.

B. Dependent Claim 2

Appellants argue that claim 2 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided other than what the claim recites. Accordingly, claim 2 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 1.

C. Dependent Claim 4

Appellants argue that claim 4 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided other than what the claim recites. Accordingly, claim 4 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 1.

D. Dependent Claim 11

Regarding claim 11, appellants argue that claim 11 is allowable for being dependent upon an allowable claim and that the combination of references fail to teach or suggest the that the “control unit is configured to generate an OSD (On Screen Display) based on the translated closed caption character information, and to provide the translated closed caption character information to the video processing unit in order to display the OSD on the screen”. As previously noted, the combination of references provide for an Internet enabled apparatus such as a PC-TV support contextually linked transcripts received as web-page based transcripts and to subsequently automatically translate those received web-page transcripts should they not be in preferred language. Schein describes a number of types of ‘control units’ that are operable to generate an ‘OSD’. For example, the PCTTV may use a ‘processor’ (not shown) in conjunction with a ‘video processor’ [70] to generate an ‘OSD’ (Col 4, Lines 66 – Col 5, Line 5; Col 6, Lines 45-64). Additionally, as illustrated in Figure 2, the reference illustrates a ‘control unit’ [124] that is “configured to generate an OSD (On Screen Display)” that is provided to a “video processing unit” [126 or 127] in order to “display the OSD on the screen” (Col 8, Lines 58 – Col 9, Line 18). Taken in combination with both Gibbon and Bertistis (each of which comprises a ‘control unit’ and a ‘video processor’ as necessary to render their illustrative Figures of both closed caption information on a web page and translated web pages respectively), the Schein et al. reference, in association with the generation of the display of its contextually-linked information provides the resulting ‘translated closed caption character information’ as claimed. Accordingly,

claim 11 is not believed to be patentable as set forth in the Final rejection and the preceding response to the appellant's arguments for independent claim 1.

E. Dependent Claim 32

Appellants argue that claim 32 is allowable for being dependent upon an allowable claim and reciting additional features. Appellants assert that Berstis neither discloses or suggests that the translation site is selected from a plurality of previously stored translation sites. The examiner respectfully disagrees. As previously discussed, AltaVista™ is a "translation site from a plurality of translation sites' in existence (Berstis et al.: Col 1, Lines 61-63) and the teachings of Berstis are not limited to just email (Col 4, Lines 24-35). Accordingly, claim 32 is not believed to be patentable as set forth in the Final rejection and the preceding response to the appellant's arguments for independent claim 1.

F. Independent Claim 12

Appellants do not appear to set forth any arguments over and above those previously presented with respect to independent claim 1. Accordingly, claim 12 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 1.

G. Dependent Claim 13

Appellants argue that claim 13 is allowable for being dependent upon an allowable claim and reciting additional features. Appellants reinforce that the combination of references

neither disclose nor suggest outputting audio information in synch with translated closed caption information. As previously set forth, Gibbons is relied upon for distributing a webpage transcript of closed caption information including 'outputting audio information in synch with . . . closed caption information' (Figure 7; Col 12, Lines 7-15 and 22-34). Bertstis teaches 'translating' web pages so as to present them in a user comprehensible form. Accordingly, taken in combination, it is the examiner's opinion that one having ordinary skill in the art would conclude that it would have been obvious to 'output audio information in synch with translated closed caption information'.

#### H. Dependent Claim 14

Appellants argue that claim 14 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided. Accordingly, claim 14 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 12.

#### I. Independent Claim 18

Appellants do not appear to set forth any arguments over and above those previously presented with respect to independent claim 1. Accordingly, claim 18 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 1.

J. Dependent Claim 33

Appellants argue that claim 33 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided. Accordingly, claim 33 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 18.

K. Independent Claim 23

Appellants appear to substantially repeat the arguments previously presented with respect to independent claim 1. With respect to the further remarks that Berstis neither discloses nor suggests 'selecting an appropriate translation site from a plurality of translation site', it is the examiner's position that the system necessarily 'contacts a translation site' or 'appropriate translation site . . . from a plurality of translation sites' in association with contacting the appropriate portion of AltaVista™ in order to automatically translate the incoming communication into the desired language. For example, it is unclear as to why if the user is requesting a translation into English, the system would 'select' or 'contact' an inappropriate Internet based translation site corresponding with translations into French. Accordingly, claim 23 is not believed to be allowable as set forth in the Final rejection and the preceding response to the appellant's arguments for independent claim 1.

L. Dependent Claim 31

Appellants argue that claim 31 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features

are provided. Accordingly, claim 31 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 23.

**Rejection Under 35 U.S.C. 103(a) over Schein, Gibbon, Berstis, and Mighdoll**

**A. Dependent Claim 5**

Appellants argue that claim 5 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided. Accordingly, claim 5 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 1.

**B. Dependent Claim 6**

Appellants argue that claim 5 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided. Accordingly, claim 5 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 1.

**C. Dependent Claim 7**

Appellants argue that claim 7 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided. Accordingly, claim 7 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 1.

D. Dependent Claim 8

Appellants argue that claim 8 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided. Accordingly, claim 8 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 1.

E. Dependent Claim 9

Appellants argue that claim 9 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided. Accordingly, claim 9 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 1.

F. Dependent Claim 10

Appellants argue that claim 10 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided. Accordingly, claim 10 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 1.

G. Dependent Claim 15

Appellants argue that claim 15 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features

are provided. Accordingly, claim 15 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 12.

H. Dependent Claim 16

Appellants argue that claim 16 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided. Accordingly, claim 16 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 12.

I. Dependent Claim 17

Appellants argue that claim 17 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided. Accordingly, claim 17 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 12.

J. Dependent Claim 19

Appellants argue that claim 19 is allowable for being dependent upon an allowable claim and reciting additional features. No particular arguments regarding these additional features are provided. Accordingly, claim 19 is not believed to be allowable as set forth in the Final rejection and preceding response to the appellant's arguments for independent claim 12.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

SEB

Friday, July 13, 2007

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